

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FRANK G. FOELL,

Plaintiff,

vs.

COUNTY OF LINCOLN, a Nebraska
Political Subdivision; PAMELA HICKS,
in her individual and official capacities;
JEROME KRAMER, in his individual
and official capacities; and JOHN
DOES 1-10,

Defendants.

4:17CV3044

ORDER

IT IS ORDERED that the parties' joint Stipulation for Enlargement of Time ([Filing No. 30](#)) is granted and the final progression order ([Filing No. 20](#)) is amended as follows:

- 1) The jury trial of this case is set to commence before Cheryl R. Zwart, United States Magistrate Judge, in Lincoln County Courthouse, North Platte, Nebraska, at 9:00 a.m. on October 23, 2018, or as soon thereafter as the case may be called, for a duration of four (4) trial days. This case is subject to the prior trial of criminal cases and such other civil cases as may be scheduled for trial before this one. Jury selection will be held at the commencement of trial.
- 2) The Pretrial Conference is scheduled to be held before the undersigned magistrate judge on October 9, 2018 at **1:00 p.m.**, and will be conducted by internet/telephonic conferencing. Counsel shall use the conferencing instructions assigned to this case to participate in the conference. The parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to zwart@ned.uscourts.gov, in either Word Perfect or Word format, by 5:00 p.m. on October 5, 2018.
- 3) A status conference to discuss the status of case progression and

potential settlement will be held with the undersigned magistrate judge on March 16, 2018 at **2:00 p.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.

- 4) The deadlines for moving to amend pleadings or add parties are:

| | |
|-----------------------|-----------------|
| For the plaintiff(s): | April 16, 2018. |
| For the defendant(s): | May 16, 2018. |

- 5) The deadline for completing written discovery under Rules 33 through 36 of the Federal Rules of Civil Procedure is July 16, 2018. Motions to compel Rule 33 through 36 discovery must be filed by August 1, 2018.

Note: Motions to compel shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 6) The deadline for complete expert disclosures for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), is May 15, 2018. Plaintiff's rebuttal expert deadline is June 1, 2018.
- 7) The deposition deadline is July 16, 2018.
- 8) The deadline for filing motions to dismiss and motions for summary judgment is August 1, 2018.¹
- 9) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is August 2, 2018.
- 10) Motions in limine shall be filed five business days prior to trial. It is not the normal practice to hold hearings on motions in limine or to rule on them in advance. Counsel should plan accordingly.

¹ To facilitate the court's review, the parties are strongly encouraged to include hyperlinks to the evidence, CM/ECF record, and all legal authorities cited within their briefs filed in support of, or in opposition to, any motions filed. See NECivR [7.1](#). For instructions, see "Hyperlinking Information" at <http://www.ned.uscourts.gov/attorney/electronic-case-filing>.

- 11) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.

Dated this 16th day of January, 2018.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge